



# City of Benbrook

## Planning and Zoning Commission

DATE: 03/12/2020	REFERENCE NUMBER: CUP-20-01	SUBJECT: Consider the reissuance of a conditional use permit for a subsidiary dwelling due to a change in ownership for property legally described as Lot 1-A-2, Block 7, Benbrook Lakeside Addition (1313 Cozby Street W).	PAGE:  1 of 3
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**Project Name:** Wilson Residence

**Request Type:** Conditional Use Permit (CUP) for a Subsidiary Dwelling

**Site Description:** 21,600 square feet or 0.9458 acres  
Lot 1-A-2, Block 7, Benbrook Lakeside Addition

**Location:** 1313 Cozby Street W

**Zoning District:** "B" One-Family District

**Property Owner:** Richard Wilson  
1313 Cozby Street W  
Benbrook, TX 76126

### Background

- A building permit was issued in 2005 for construction of a pool house (929 sqft). Sometime after its construction, the pool house was converted into a subsidiary dwelling.
- In 2008, a change in ownership prompted the new owners to apply for a subsidiary dwelling CUP (Z-08-01). Staff recommended the CUP run with the land; however, the Planning and Zoning Commission excluded this from the motion to approve, requiring a CUP be reissued when the property is sold to a new owner.
- The applicant recently purchased the home (1/31) and is requesting the reissuance of a CUP for a subsidiary dwelling. The subsidiary dwelling will be used by an elderly parent of the property owner.

### ANALYSIS:

#### Ordinances and Definitions

- Chapter 17.20 – Districts, District Boundaries and District Uses
  - Section 17.20.070 – Currently, a CUP is required for a subsidiary dwellings within the "RE," "A," "B," and "BR" zoning districts.
- Chapter 17.08 – Definitions
  - "Subsidiary Dwelling": Separate living quarters with separate kitchen facilities which is in addition to the principle dwelling unit on a single-family lot.
  - "Family": One (1) or more persons who are related by blood, marriage, adoption, or foster assignment living together and occupying a single housekeeping unit with single kitchen facilities; or a group of not more than three (3) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.
  - "One-Family Dwelling": A detached residential dwelling unit other than a mobile home designed for and occupied by one-family only.

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<ul style="list-style-type: none"> <li>○ “Dwelling Unit”: One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms, or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.</li> <li>• Chapter 17.88 – Parking <ul style="list-style-type: none"> <li>○ Section 17.88.010 – Parking requirements by use. One-family dwellings require a minimum of two (2) spaces. Two-family dwellings require a minimum of four (4) spaces, two (2) spaces per dwelling unit.</li> <li>○ Section 17.88.020 – All required parking to be provided behind the required front yard and second front yard setbacks. All required parking must include a minimum of a 9ft by 18ft area, plus off-street maneuvering space. Drives and parking areas shall be asphalt, concrete, or other approved hard, all-weather surface, free of litter, debris, weeds, grass, or other objectionable material or objects.</li> </ul> </li> <li>• Chapter 17.80 – Conditional Uses <ul style="list-style-type: none"> <li>○ See attached ordinance excerpt.</li> </ul> </li> </ul> <p>Staff Comments and Analysis</p> <ul style="list-style-type: none"> <li>• The one-family zoning district, commonly referred to as single-family districts, allows residential lots to contain one (1) dwelling unit per lot.</li> <li>• A CUP may be granted for a subsidiary dwelling if approved by the Planning and Zoning Commission, as regulated by Chapter 17.80 of the zoning ordinance.</li> <li>• Authorized subsidiary dwelling CUPs allow separate living quarters with separate kitchen facilities on a single-family lot, which may be occupied by family members of those living in the related principle dwelling unit (see definition of “Family”). The subsidiary dwelling is an extension of the principle single-family dwelling unit.</li> <li>• Granting a subsidiary dwelling is intended to allow immediate or extended family members to live together with some separation or privacy, while ensuring the one-family zoning districts remain exclusively single-family areas. For example, a mother may elect to live with her adult child, but still desires to have her own space. Another example could include parents allowing their adult child, who desires to have their own space, continue to live with them while attending college.</li> <li>• As the subsidiary dwelling functions as a separate dwelling area, additional parking should be required to mitigate any potential unfavorable effects or impacts on other existing or permitted uses on abutting sites and/or the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses anticipated in the area (Section 17.80.030 – [CUP] Review and evaluation criteria), as determined by the Planning and Zoning Commission. As the subsidiary dwelling use is similar to a two-family dwelling, staff recommends an additional two (2) parking spaces be required, located behind the front and secondary front build lines.</li> <li>• In accordance to Section 17.80.050, CUPs expire upon change in ownership of the land, unless specifically approved by the Planning and Zoning Commission.</li> <li>• With the information provided within the analysis section, Staff is supportive of allowing this CUP to run with the land, should the Planning and Zoning Commission vote to approve.</li> </ul>			

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### **Public Notice**

Legal notifications of this request were sent out, in accordance with State Law and City Ordinance:

- Notification of this request was sent to all property owners within 200ft of the subject site on February 26, 2020.
- A legal notice was posted within the Benbrook News on February 20, 2020.

### **Staff Recommended Motion**

Move to approve request number CUP-20-01, reissuing a conditional use permit for Lot 1-A-2, Block 7, Benbrook Lakeside Addition, also known as 1313 Cozby St. W, for a subsidiary dwelling and allowing the conditional use permit to run with the land.

### **Attachments**

1. Location Map
2. Site Plan/Property Survey
3. Chapter 17.80 – Conditional Uses Excerpt
4. Z-08-01 P&Z Staff Report (February 14, 2008)
5. February 14, 2008 P&Z Minutes Excerpt